

1 **TIFFANY & BOSCO**  
2 **P.A.**

3 **2525 EAST CAMELBACK ROAD**

4 **SUITE 300**

5 **PHOENIX, ARIZONA 85016**

6 **TELEPHONE: (602) 255-6000**

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8 Mark S. Bosco

9 State Bar No. 010167

10 Leonard J. McDonald

11 State Bar No. 014228

12 Attorneys for Movant

13 09-29027 / 1127017036

14 **IN THE UNITED STATES BANKRUPTCY COURT**

15 **FOR THE DISTRICT OF ARIZONA**

16 IN RE:

17 Efren Jon C. Martin, Jr. and Mary Catherine Martin

18 Debtors.

19 No. 2:09-bk-29049-RTB

20 Chapter 7

21 NOTICE OF LODGING ORDER

22 Deutsche Bank National Trust Company, as Trustee of Morgan Stanley Mortgage Loan Trust  
23 2005-5AR, its agent, by and through its undersigned attorneys, hereby gives notice of the Lodging an  
24 Order for Relief, a copy of which is attached hereto as Exhibit "A".

25 DATED this 13th day of January, 2010.

26 Respectfully submitted,

TIFFANY & BOSCO, P.A.

BY /s/ MSB # 010167

Mark S. Bosco

Leonard J. McDonald

Attorneys for Movant

1 Copy of the foregoing was  
2 mailed this 13th day of January, 2010

3 Efren Jon C. Martin, Jr. and Mary Catherine Martin  
4 2515 E. Casitas Del Rio Dr.  
5 Phoenix, AZ 85024  
6 Debtors

7 Randy Nussbaum  
8 14500 N. Northsight Blvd.  
9 #116  
10 Scottsdale, AZ 85260  
11 Attorney for Debtors

12 Jill H. Ford  
13 P.O. Box 5845  
14 Carefree, AZ 85377  
15 Trustee

16 U.S. Trustee  
17 230 North 1<sup>st</sup> Avenue, Suite 204  
18 Phoenix, AZ 85003-1706

19 By: McKinley Sedig  
20  
21  
22  
23  
24  
25  
26

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**IN THE UNITED STATES BANKRUPTCY COURT**

**FOR THE DISTRICT OF ARIZONA**

IN RE:

Efren Jon C. Martin, Jr. and Mary Catherine Martin  
Debtors.

Deutsche Bank National Trust Company, as Trustee  
of Morgan Stanley Mortgage Loan Trust 2005-5AR  
Movant,

vs.

Efren Jon C. Martin, Jr. and Mary Catherine Martin,  
Debtors, Jill H. Ford, Trustee.

Respondents.

No. 2:09-bk-29049-RTB

Chapter 7

ORDER

(Related to Docket #14)

Movant's Motion for Relief from the Automatic Stay and Notice along with the form of proposed Order Lifting Stay, having been duly served upon Respondents, Respondents' counsel and Trustee, if any, and no objection having been received, and good cause appearing therefor,

...

...

...

...

1 IT IS HEREBY ORDERED that all stays and injunctions, including the automatic stays imposed  
2 by U.S. Bankruptcy Code 362(a) are hereby vacated as to Movant with respect to that certain real  
3

4 **EXHIBIT "A"**

5 property which is the subject of a Deed of Trust dated March 23, 2005 and recorded in the office of the  
6 Maricopa County Recorder wherein Deutsche Bank National Trust Company, as Trustee of Morgan  
7 Stanley Mortgage Loan Trust 2005-5AR is the current beneficiary and Efren Jon C. Martin, Jr. and Mary  
8 Catherine Martin have an interest in, further described as:

9  
10 Lot 460, VALLEY VISTA UNIT FOUR B, according to Book 118 of Maps, Page 4, records of  
11 Maricopa County, Arizona.

12 IT IS FURTHER ORDERED that Movant may contact the Debtor(s) by telephone or written  
13 correspondence regarding a potential Forbearance Agreement, Loan Modification, Refinance  
14 Agreement, or other Loan Workout/Loss Mitigation Agreement, and may enter into such agreement  
15 with Debtors. However, Movant may not enforce, or threaten to enforce, any personal liability against  
16 Debtors if Debtors' personal liability is discharged in this bankruptcy case.  
17

18 IT IS FURTHER ORDERED that this Order shall remain in effect in any bankruptcy chapter to  
19 which the Debtor may convert.  
20

21  
22 DATED this \_\_\_\_ day of \_\_\_\_\_, 2009  
23  
24  
25

26 \_\_\_\_\_  
JUDGE OF THE U.S. BANKRUPTCY COURT